

## REMARKS

### **I. Double Patenting**

All pending claims are rejected based on so-called "obviousness-type" double patenting with regard to U.S. 6,383,765. A terminal disclaimer accompanies this Reply overcomes the rejection.

### **II. 35 U.S.C. §112 ¶1 enablement**

This rejection applies to claims 14, 17 and 18, based on the absence of steps of providing the sample and incubating the sample in a reaction mixture, and the specific reaction of an antibody with an epitope ("the interaction of molecular forces"). The claims have been amended to overcome this rejection.

### **III. 35 U.S.C. §112 ¶1 written description**

This rejection is also based on the failure to disclose an immunoassay (or a working example of an immunoassay) that detects FIV antibody without performing the steps of providing and incubating a sample. The claims have been amended to overcome this rejection.

### **IV. 35 U.S.C. §112 ¶2**

All pending claims are rejected under this statutory section on several independent bases. The basis for each rejection is repeated below and discussed separately.

- ***A fair reading [of claim 14] provides that the FIV envelope polypeptide can be any FIV envelope polypeptide that specifically interacts with an anti-gp130 antibody. It is unclear how the monoclonal antibody can be "specific" for anti-gp-130, yet react with any FIV envelope polypeptide.***

The claim has been clarified to specify that the polypeptide must be immunologically cross-reactive with gp130.

- ***Claim 14 omits the steps of providing a sample, and incubating elements***

This rejection has been overcome by the amendment. Note that the rejection of claim 19 on this basis is not understood, inasmuch as claim 19 features an assay device not a method of assaying.

- ***Claim 17 [fails] to provide antecedent basis for "the reagent"***

This amendment overcomes the rejection.

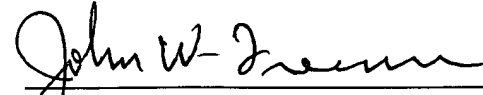
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Respectfully submitted,

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John W. Freeman, Esq.  
Reg. No. 29,066

Fish & Richardson P.C.  
225 Franklin St.  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906